

REMARKS

Claims 1-20 remain in the referenced application. Claims 1 and 16 have been previously amended.

Claims 1-12 and 14-20 stand rejected under 35 U.S.C. §102(b) by Mangels (U.S. Patent No. 3,716,170). In rejecting the claims, the Examiner stated in the Response to Arguments that Applicant's claims do not recite the limitation of a "nozzle securable at a second end". Applicant respectfully directs the Examiner's attention to claim 1, line 6, and claim 16 line 6, wherein a "nozzle securable at a second end" is specifically recited.

Applicant therefore respectfully traverses the above-recited rejection of claim 1. Claim 1 specifically recites a flashlight head securable to a body at a first end and a nozzle securable to the body at a second end. Claim 1 further recites that actuation of a trigger assembly ejects spray through the nozzle. Applicant respectfully submits Mangels does not disclose a nozzle securable to a body at a second end whereby spray may be ejected through the nozzle. Mangels discloses a dual purpose flashlight 10 including a housing 11 with flashlight components located at an offset front portion 13. The housing 11 includes a bore 16 having a rear end and a forward end. Batteries 25 insert into the bore 16 and reside at the rear end thereof. A container 26 inserts into the bore 16 and resides at the forward end thereof. The container 26 includes a nozzle 60 that fits within an ejection tube 61 located at the offset front portion 13. Spray from the container 26 accordingly exits the flashlight 10 at the offset front portion 13 because the ejection tube 61 passes through the offset front portion 13. Mangels therefore does not disclose a nozzle securable to a body at a second end because both the flashlight components and the ejection tube 61 are positioned at the offset front portion 13. Mangels thus does not anticipate claim 1 because Mangels does not disclose each and every limitation recited therein.

Applicant respectfully traverses the above-recited rejection of claim 2 based upon the preceding arguments with respect to claim 1.

Applicant respectfully traverses the above-recited rejection of claim 3 because Mangels discloses that a safety locking device 76 resides atop a trigger arrangement 68 and engages a flat raised surface of a barrel portion 12. Mangels accordingly does not disclose a safety aperture and a safety that mounts on a body and extends therein via the safety aperture. Mangels thus does not anticipate claim 3 because Mangels does not disclose the limitation recited therein.

Applicant respectfully traverses the above-recited rejection of claim 4 because, while Mangels discloses that a safety locking device 76 projects through openings in side walls of a trigger arrangement 68, the safety locking device 76 travels only transversely with respect to trigger arrangement 68. Mangels accordingly does not disclose that depression of a safety disengages the safety from a cavity in a trigger thereby permitting movement of the trigger to a fired position via the aperture. Mangels thus does not anticipate claim 4 because Mangels does not disclose the limitation recited therein.

Applicant respectfully traverses the above-recited rejection of claims 5 and 6 based upon the preceding arguments with respect to claim 1.

Applicant respectfully traverses the above-recited rejection of claim 7 because, while Mangels discloses that a safety locking device 76 projects through openings in side walls of a trigger arrangement 68, the safety locking device 76 does not include a biasing member and travels only transversely with respect to trigger arrangement 68. Mangels accordingly does not disclose a biasing mechanism that biases a locking member against a trigger. Mangels thus does not anticipate claim 7 because Mangels does not disclose the limitation recited therein.

Applicant respectfully traverses the above-recited rejection of claims 8-12 based upon the preceding arguments with respect to claim 1.

Applicant respectfully traverses the above-recited rejection of claim 14 because the switch 33 does not include a switch cap. Mangels thus does not anticipate claim 14 because Mangels does not disclose the limitation recited therein.

Claim 16 has been previously amended to recite providing a tool comprising a switch assembly that operates a flashlight head secured to a first end of the tool, a trigger located proximate to the switch assembly whereby the trigger engages a spray canister disposed in the tool, and a nozzle secured to a second end of the tool whereby the spray canister communicates with the nozzle. As previously argued with respect to claim 1, Mangels does not disclose a nozzle securable to a body at a second end because both the flashlight components and the ejection tube 61 are positioned at the offset front portion 13. Mangels thus does not anticipate claim 16 because Mangels does not disclose each and every limitation recited therein.

Applicant respectfully traverses the above-recited rejection of claims 17-20 based upon the preceding arguments with respect to claim 16.

Claim 13 stands rejected under 35 U.S.C. §103(a) by Mangels (U.S. Patent No. 3,716,170) in view of Roberts (U.S. Patent No. 5,086,377). Applicant respectfully traverses the above-recited rejection of claim 13 on the basis that, contrary to the assertion by the Examiner, Roberts does not disclose that a switch housing provide a fluid tight seal between a flashlight compartment and a canister compartment. Roberts discloses a wall in a cylindrical extension member 14 separating a battery compartment 85 from a spray device compartment 74. Roberts accordingly discloses only that a wall may separate compartment 85 from compartment 76. Roberts certainly does not in any way teach that a switch housing may separate compartment 85 from compartment 76. Roberts in fact does not even disclose a switch housing. Mangels in view of Roberts therefore does not render claim 13 obvious because that combination does not in any way disclose the use of a switch housing to provide a fluid tight seal between a flashlight compartment and a canister compartment.

The prior art made of record in the referenced application has been reviewed by Applicant and is deemed not to anticipate nor in any combination render obvious the claimed invention. In particular, Applicant wishes to point out that Teig et al. (U.S. Patent No. 5,683,168) does not disclose a trigger proximate a switch wherein both may be activated without changing grip. Moreover, Teig et al. do not


disclose a trigger that engages the canister because a nozzle 28 functions to actuate the canister. Tuscher (U.S. Patent No. 5,941,629) does not disclose a trigger proximate a switch wherein both may be activated without changing grip. Moreover, Tuscher does not disclose a trigger mechanism at all because the canister actuating button is directly pressed. Mariol (U.S. Patent No. 4,449,474) does not disclose a battery compartment. Moreover, Mariol does not disclose a trigger mechanism at all because the canister actuating button is directly pressed.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejected claims and earnestly solicits early allowance of the application.

Respectfully submitted,

LAW OFFICES OF CHRISTOPHER L. MAKAY
1634 Milam Building
115 East Travis Street
San Antonio, Texas 78205
(210) 472-3535

DATE: 4 May 2006

BY: 
Christopher L. Makay
Reg. No. 34,475

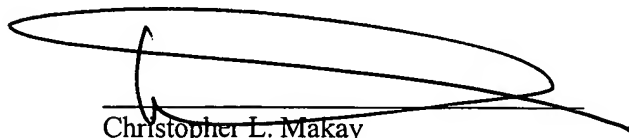
ATTORNEY FOR APPLICANT

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No. EV 847630195 US

Date: 4 May 2006


Christopher L. Makay